

Serial No. 10/620,445  
Docket No. YOR92000059US2

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### REMARKS

Claims 1, 3, 5, 8-11, 13, 14 and 16-24 are all of the claims presently pending in the application. The claims have not been amended by the present invention.

Claims 1, 9, 10 and 13 stand rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-3, 12 and 13 of United States Patent No. 6,732,099.

As a preliminary matter Applicants point out that on the Office Action Summary the Examiner indicates that claims 1, 3, 5, 8-11, 13, 14 and 16-24 stand rejected. However, the Office Action merely provides a rejection of claims 1, 9, 10 and 13. That is, the Examiner does not provide any basis of rejection for claims 3, 5, 8, 11, 14 and 16-24. Therefore, Applicants respectfully request the Examiner to address each and every pending claim in the next office action.

These rejections are respectfully traversed in the following discussion.

#### **I. THE CLAIMED INVENTION**

The claimed invention of exemplary claim 1 provides a computer method that includes providing a demand database including refining the data mining technique in cognizance of pattern changes embedded in the demand database and the supply database as a consequence of updating the demand database and the supply database (e.g., see Application at page 4, lines 10-13). This combination of features allows the claimed invention to use data mining techniques to solve the problem of product stockpile management (see Application at page 7, lines 1-11).

#### **II. THE 35 U.S.C. 101, DOUBLE PATENTING REJECTION**

Claims 1, 9, 10 and 13 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over 1, 2, 3, 12 and 13 of United States Patent No. 6,732,099. Applicants respectfully submit that the claimed invention of claim 1, 9, 10 and 13 is patentably distinct from claims 1, 2, 3, 12 and 13 of U.S. Patent No. 6,732,099.

That is, claim 1 (and similarly claims 9, 10 and 13) recites, inter alia, "refining the data mining technique in cognizance of pattern changes embedded in said demand database and said supply database as a consequence of updating said demand database and said supply

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database" (emphasis added by Applicants). This feature is not recited in the claims of U.S. Patent No. 6,732,099.

The claims of U.S. Patent No. 6,732,099 do not recite refining the data mining technique as a consequence of updating the demand database and the supply database.

That is, as indicated by the Examiner, claim 2 of U.S. Patent No. 6,732,099 recites updating the demand database. Claim 3 of U.S. Patent No. 6,732,099 recites updating the distribution database, which the Examiner analogizes to updating the supply database of the claimed invention.

However, none of the claims recited in U.S. Patent No. 6,732,099 recite the combination of updating the demand database and the supply database, as recited in the claimed invention. Indeed, nowhere does U.S. Patent No. 6,732,099 teach or suggest this claimed combination of features.

Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

### III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicants submit that claims 1, 3, 5, 8-11, 13, 14 and 16-24, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

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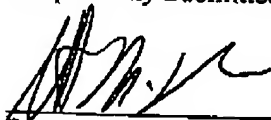
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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Date:

Apr. 13, 2006

Respectfully Submitted,



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**FACSIMILE TRANSMISSION**

I hereby certify that I am filing this paper via facsimile, to Group Art Unit 2162, at (571) 273-8300, on April 3, 2006.

Date:

April 3, 2006

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